



Fox Rothschild LLP
ATTORNEYS AT LAW

Citizens Bank Center
919 N. Market Street
Suite 300
Wilmington, DE 19899-2323
Tel (302) 654-7444 Fax (302) 656-8920
www.foxrothschild.com

SETH A. NIEDERMAN
Direct No: 302.622.4238
Email: SNiederman@FoxRothschild.com

February 6, 2023

BY ELECTRONIC MAIL AND ECF

The Honorable Colm F. Connolly, Chief Judge
United States District Court
J. Caleb Boggs Federal Building
844 N. King Street, Unit 31, Room 4124
Wilmington, DE 19801-3555

Re: *Yucaipa American Alliance Fund II, L.P., et al v.*
ASHINC Corporation, 1:22-cv-00302 (D. Del) (CFC)

Dear Chief Judge Connolly:

After many months of negotiating, the parties are pleased to report that they have reached an agreement in principle subject to final documentation.

We anticipate that documentation to be negotiated and finalized over the next several weeks. Accordingly, the parties respectfully ask that the Court not rule on the following motions that are *sub judice*: City Pension Defendants' Motion to Dismiss (D.I. 20); LP Defendants' Motion to Dismiss (D.I. 22); and Yucaipa Defendants' Motion to Dismiss (D.I. 29).

We will keep the Court apprised of any developments, and are available at the Court's convenience if it has any questions.

Respectfully submitted,

/s/ Seth A. Niederman
Seth A. Niederman
DE Bar No. 4588

SAN/mls
cc (*via email*):
Laura Davis Jones, Esq.
David M. Bertenthal, Esq.
Peter J. Keane, Esq.
Patricia L. Glaser, Esq.